

BIOGRAPHY AND COURT PRACTICE FOR MAGISTRATE JUDGE CATHY BISSOON

Magistrate Judge Cathy Bissoon was born in Brooklyn, New York. She graduated *summa cum laude* from Alfred University in 1990 and received her law degree from Harvard Law School in 1993. She was sworn in as a United States Magistrate Judge on August 1, 2008.

Following law school, Judge Bissoon joined Reed Smith's Pittsburgh office as an associate. In 1994, she took a year long "sabbatical" from private practice, during which she clerked for the Honorable Gary L. Lancaster of this Court. In 1995, Judge Bissoon returned to Reed Smith where she ultimately became a partner and the firm-wide head of the Employment Group.

Judge Bissoon also served as Reed Smith's Director of Diversity for six years, earning various accolades for her efforts to increase diversity within the legal profession. Most notably, Judge Bissoon was recognized for her many efforts in the area of diversity with the Honorable Thurgood Marshall award from Minorities in Business Magazine during its 2006 Multicultural Prism Awards ceremony.

In 2007, Judge Bissoon joined the Pittsburgh law firm of Cohen & Grigsby, where she was a director and served as the head of the Labor & Employment Group.

Over the course of her years in private practice, Judge Bissoon was named a Fellow of the Litigation Council of America; listed multiple years in the *Best Lawyers in America*; named a "Pennsylvania Super Lawyer" by *Philadelphia Magazine*; listed in *Chambers USA America's Leading Lawyers*; and was recognized as one of the top 50 lawyers in Pennsylvania under the age of 40 by *Pennsylvania Law Weekly*. Additionally, she served on both the Lawyers Advisory Committee for the Third Judicial Circuit as well as the Local Rules Advisory Committee for the U.S. District Court for the Western District of Pennsylvania.

During her time in private practice, Judge Bissoon also had the honor of serving, upon appointment by the Chief Justice of the Pennsylvania Supreme Court, as an original member of Pennsylvania's Interbranch Commission for Gender, Racial and Ethnic Fairness. The Commission is charged with promoting the equal application of the law for all citizens of the Commonwealth of Pennsylvania and increasing public confidence in the fairness of all three branches of state government. The Commission evaluates and recommends measures to reduce or eliminate bias or invidious discrimination within all branches of government and within the legal profession.

Judge Bissoon currently serves on the boards of the Phipps Conservatory and Botanical Gardens and the Pittsburgh Zoo and PPG Aquarium. She also is a Girl Scout troop leader. Judge Bissoon resides in the South Hills with her husband and two children.

**PRACTICES AND PROCEDURES OF
MAGISTRATE JUDGE CATHY BISsoon**

I. GENERAL MATTERS

A. Communications with the Court:

Counsel are not to send correspondence to Judge Bissoon, unless she specifically requests or approves the same. Requests for the rescheduling of conferences may be made by telephone to the Court's Deputy Clerk but only if counsel for all parties are on the line. Otherwise, such requests are to be made by motion.

B. Communications with Law Clerks:

Counsel are not to contact Judge Bissoon's law clerks. If they wish to consult on the status of a matter or an appropriate procedure, counsel are to call her Deputy Clerk.

C. Telephone Conferences:

Requests for counsel or parties to participate by phone will be considered on a case by case basis. When a telephone conference by counsel is permitted by the Court, counsel must initiate the call and contact the Court once all parties are on line.

D Pro Hac Vice Admissions:

Judge Bissoon will rule upon pro hac vice motions in cases assigned to her.

E. Comments to the Media:

Attorneys are expected to adhere to the Rules of Professional Conduct in all dealings, including those with the media.

II. MOTIONS PRACTICE

A. Oral Argument:

Oral argument is only granted on selected, factually or legally complex matters. If the Court deems oral argument to be appropriate, an order will issue. Judge Bissoon does not set aside a specific day or time for argument of motions.

B. Briefs:

Any motion seeking substantive legal ruling(s) -- whether dispositive or non-dispositive -- should be accompanied by a supporting brief. The supporting brief must be filed contemporaneously with the motion. A brief may be omitted only if: (i) the motion is nondispositive, and (ii) the motion itself contains sufficient arguments and/or legal citation to permit meaningful judicial review.

Supporting and responsive briefs are limited to twenty-five (25) pages in length, excluding exhibits and fact statements. Reply briefs are not permitted without leave of Court. Any permitted reply briefs should be no more than five (5) pages in length and should be narrowly tailored to address only those matters newly raised in the response brief. Requests for surreply briefs are discouraged.

Counsel must follow Local Rule 56.1 when filing and responding to summary judgment motions.

C. Courtesy Copies:

Generally, the Court does not require courtesy copies of motions, briefs or exhibits and these should not be forwarded to chambers, as they are available to the Court through ECF. Where the exhibits are in excess of 150 pages, however, Judge Bissoon requires that counsel deliver to chambers a hard copy of the appendix/exhibits.

D. Scheduling:

Unless otherwise ordered, responses to all non-dispositive motions shall be filed within eleven (11) days of service. Responses to motions to dismiss shall be filed within twenty (20) days of service, and responses to motions for summary judgment shall be filed within thirty (30) days of service. **Generally, a separate briefing order will not be issued.** Where a brief is required, it must be filed simultaneously with the motion.

Following a Post-Discovery Status Conference, the Court will issue an order setting forth, *inter alia*, the deadline for filing summary judgment motions.

E. Evidentiary Hearings:

Evidentiary hearings on pretrial matters generally are scheduled in advance of trial. When counsel concludes that an evidentiary hearing is appropriate, they should confer with opposing counsel and request a hearing by motion.

F. Motions *In Limine*:

Counsel shall comply in all respects with Local Rule 16.1.D.4 with regard to motions *in limine*. To the extent counsel deems it necessary to file such motions, the date for filing the motion and supporting brief will be set forth in the Final Pretrial Order. Generally, the Court will rule on these motions prior to trial.

G. Proposed Orders:

In accordance with local rules, each and every motion shall be accompanied by a proposed Order of Court. The Order of Court shall include language detailing the specific relief sought, and not simply that the motion “is granted.”

III. CIVIL CASES

A. Pretrial Procedures:

1. Initial Scheduling Order:

The Court uses an Initial Scheduling Order based on Local Rule 16.1.2.

2. Initial Scheduling Conference:

Pursuant to Local Rule 16.1, after the filing of an Answer by the defendant, Judge Bissoon will issue an order setting the date of the initial scheduling conference.

Prior to the conference, the parties shall meet and confer and file a report pursuant to Fed. R. Civ. P. 26(f), the form of which is set forth in Appendix B to the Local Rules. Additionally, at least three (3) business days prior to the Initial Rule 16 Scheduling Conference, counsel for every party shall submit a position letter to this Court. The position letter shall set forth the following: (a) A brief recitation of the facts; (b) A discussion of your party's strengths and weaknesses; and (3) Your party's settlement posture. To ensure candor, the position letters are not to be filed nor shared with opposing counsel, but rather, e-mailed to jim_imhof@pawd.uscourts.gov or faxed directly to Judge Bissoon's Chambers at (412) 208-7467. All position letters will be kept **confidential**.

3. Post-Discovery Status Conference:

A Post-Discovery Status Conference will be held no more than 30 days after the close of discovery in each case. Prior to that conference, the parties shall meet and confer regarding settlement of the case and, at least three (3) business days prior to the Post-Discovery Status Conference, counsel for every party shall submit a position letter to this Court. The position letter shall set forth the following: (a) A brief recitation of the facts; (b) A discussion of your party's strengths and weaknesses; and (3) Your party's settlement posture. To ensure

candor, the position letters are not to be filed nor shared with opposing counsel, but rather, e-mailed to jim_imhof@pawd.uscourts.gov or faxed directly to Judge Bissoon's Chambers at (412) 208-7467. All position letters will be kept **confidential**.

4. Final Pretrial/Settlement Conference:

After the court has ruled on all dispositive motions, a final conference will be held to discuss settlement and any pretrial matters that do not require the decision of the district court judge who will be trying the case (if the case is referred to Judge Bissoon). On consent cases, the final pretrial conference shall be conducted in accordance with Local Rule 16.1.D. Prior to that conference, the parties shall meet and confer regarding settlement of the case and, at least three (3) business days prior to the Final Pretrial Conference, counsel for every party shall submit a position letter to this Court. The position letter shall set forth the following: (a) A brief recitation of the facts; (b) A discussion of your party's strengths and weaknesses; and (3) Your party's settlement posture. To ensure candor, the position letters are not to be filed nor shared with opposing counsel, but rather, e-mailed to jim_imhof@pawd.uscourts.gov or faxed directly to Judge Bissoon's Chambers at (412) 208-7467. All position letters will be kept **confidential**.

5. Settlement Authority and ADR:

Judge Bissoon requires counsel and their clients, or persons with authority (including insurance companies), to be present at settlement conferences. For good cause shown or at the Court's direction, the client or person with settlement authority may be permitted to participate by telephone.

Judge Bissoon may suggest the possibility of alternate dispute resolution as appropriate. Cases filed after January 1, 2008 are required to participate in the

Court's ADR program pursuant to Local Rule 16.2. and counsel must submit a Stipulation to an ADR process consistent with Local Rule 16.2.D. Stipulation forms are available on the Court's website.

6. Extensions and Continuances:

Requests for extensions of time and continuances shall be presented by written motion, contain supporting facts and indicating the position of opposing counsel. Reasonable extensions will generally be granted for good cause shown.

B. Discovery Matters:

1. Length of Discovery Period:

Counsel must comply with the provisions of Fed.R.Civ.P. 26 and must file the written report required by Rule 26(f) prior to the initial scheduling conference. Generally, for cases filed after January 1, 2008 that are subject to the Court's ADR program, the length of discovery shall be 150 days if the parties choose mediation or early neutral evaluation as their ADR process. If the parties choose arbitration, the length of discovery shall be 120 days.

2. Expert Witnesses:

Expert depositions may be deferred until after dispositive motions upon agreement of the parties and the Court.

3. Discovery/Deposition Disputes:

Counsel for the parties **must confer** on discovery disputes, consistent with the Court's Local Rules, prior to seeking the Court's intervention. If counsel for the parties cannot resolve the dispute, Judge Bissoon requires that the parties contact the Court to set up a conference in an effort to resolve the matter, rather than file a

formal discovery motion. For discovery disputes that arise during a deposition, the attorneys together may contact the Court to resolve the matter.

4. Stay of Discovery:

The filing of a motion to dismiss or other dispositive motion generally will not stay discovery. A stay may be sought by motion but will be granted only if the right to relief is clear or some other compelling reason exists. Participation in an ADR process will not stay discovery.

5. Limitations or Expansions on Discovery:

The Court follows the Federal Rules of Civil Procedure on this matter and does not impose additional restrictions or limitations. To the extent that the parties seek to expand the limits set forth in the Federal Rules of Civil Procedure, this should be addressed in the parties' Rule 26(f) report. *See* Appendix B to the Local Rules.

6. Rule 11 Motions - Rule 37 Sanctions:

Counsel are expected to comply with the Federal and Local rules. The Court has no additional requirements and will rule promptly.

C. Injunctions and TROs:

When these matters are referred by a District Court Judge for Report and Recommendation, a briefing schedule will be issued and a hearing date will be scheduled if necessary.

D. Trial Procedures:

1. Scheduling of Cases:

For cases in which the parties have consented to jurisdiction before Judge Bissoon, a date certain will be given for trial following the resolution of Rule 56 motions or, if none are filed, at the Post-Discovery Status Conference. Vacation schedules and personal/professional obligations that conflict with the trial date will be accommodated where possible. The Court must be notified of any conflict as soon as possible.

2. Trial Hours/Days:

Generally, cases will be tried Monday through Thursday from 9:30 a.m. to 4:30 p.m., with breaks as appropriate. Absent extraordinary circumstances, testimony will not be heard on Fridays, although closings, jury charges and jury deliberations may take place on Fridays. Judge Bissoon will meet with counsel before and after these appointed times to discuss trial/evidentiary issues.

3. Trial Briefs:

Trial briefs are not required, but are encouraged when counsel believe that such briefs would assist the Court. Such briefs should not exceed fifteen (15) pages and should be filed at least one (1) week prior to trial.

4. Voir Dire:

Judge Bissoon's Deputy Clerk or Law Clerk will conduct the preliminary voir dire of potential jurors consistent with the Local Rules. Counsel may submit proposed voir dire for the Court's consideration at the time established in the Final Pretrial Order.

5. Note-taking by Jurors:

Judge Bissoon allows jurors to take notes unless counsel voice a valid objection.

6. Side Bars:

Side bars will be permitted when necessary.

7. Examination of Witnesses Out of Sequence:

Judge Bissoon will permit the examination of a witness out of sequence, either within the party's own case or within an opposing party's case, on a showing of good cause or by consent of all parties. In the event that a witness will be unavailable for trial, the witness's testimony may be presented by video deposition or deposition testimony may be read into the record.

8. Opening and Closing Statements:

There are no Court-imposed time limits on opening or closing statements, although the length of such statements should be reasonable. Defense counsel may defer opening statements.

9. Examination of Witnesses or Argument by More than One Attorney:

Only one attorney for each party may conduct an examination of any witness, argue any motion or point, or give the opening or closing statements.

10. Examination of Witnesses Beyond Direct and Cross:

Judge Bissoon will permit redirect and recross of a witness as necessary, but does not typically permit any further examination.

11. Videotaped Testimony:

Judge Bissoon does not have any special procedures or requirements with respect to the use or admission of videotaped testimony, but requires the parties to

comply with the Local Rules governing video depositions, except that the recording is not to be filed with the Clerk. Counsel should inform the Court in advance of trial of the intention to use video testimony, so that the Judge and parties may discuss the procedures to be utilized.

12. Reading of Material into the Record:

Judge Bissoon has no policy or rules on this point and it will be considered on a case by case basis.

13. Exhibits:

All exhibits must be listed in the Pretrial Narrative Statements. Plaintiff(s) shall use numbers; defendant(s) shall use letters. The parties are expected to comply with Local Rule 16.1.4.E.1 by exchanging exhibits prior to the final pretrial conference and should be prepared to indicate a position at the final pretrial conference with regard to the authenticity and admissibility of the opponent's exhibits. All exhibits shall be marked before trial. Exhibits may be introduced out of sequence.

Counsel shall obtain the Court's approval in advance for use of any demonstrative aid(s) during opening statements. Demonstrative aids are permitted during trial absent a sustained objection.

14. Jury Instructions and Verdict Forms:

The Court requires counsel to confer and submit a single set of agreed upon jury instructions and a proposed verdict form. To the extent that the parties cannot agree on a particular instruction or form, counsel for each party shall submit his/her version of the particular instruction and/or form, along with supporting authority for that instruction or form. If the party believes that a particular

instruction should not be included at all, that party shall submit supporting authority for that position. The date for filing same will be set in the Final Pretrial Order. The Court will hold a charging conference at which time counsel will receive the final charge and verdict form to be given to the jury.

15. Proposed Findings of Fact and Conclusions of Law:

In non-jury trials, Judge Bissoon permits, and at times requests, the submission of proposed findings of fact and conclusions of law.

16. Offers of Proof:

Offers of proof should not be required since the Court sets aside time before and after a trial day to discuss trial/evidentiary matters with counsel. Should the need arise during trial, however, the Court does not impose any restrictions.

17. General Courtroom Decorum:

Counsel shall conduct themselves with respect, courtesy and civility at all times. The Court will not tolerate demonstrations of discrimination or bias of any kind.

E. Jury Deliberations:

1. Written Jury Instructions:

Judge Bissoon gives the jury a written copy of her jury instructions.

2. Exhibits in the Jury Room:

Judge Bissoon permits exhibits to be provided to the jury for their deliberations, so long as counsel agree upon the exhibits that are to be provided.

3. Jury Requests to Read Back Testimony or Replay Tapes During Deliberations:

Where appropriate, Judge Bissoon will permit the reading back of testimony to the jury.

4. Jury Questions:

If a question is submitted to the Court, the Judge will discuss the question with counsel prior to giving an answer to the jury.

5. Availability of Counsel During Jury Deliberations:

Counsel must be available in person or by telephone during jury deliberations.

6. Interviewing the Jury:

Judge Bissoon advises jurors that they do not have to respond to inquiries from counsel. She does instruct the jurors, however, that responses may be helpful to counsel.

IV. CRIMINAL CASES

Criminal cases before Judge Bissoon are limited to petty offenses, misdemeanor charges and preliminary criminal proceedings (e.g., arraignment, detention hearings, etc.). Counsel must be well prepared and have conferred with their client prior to the scheduled criminal proceeding. Counsel shall conduct themselves with courtesy and civility at all times and should be mindful of the Court's time.